

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	
Against:)	
)	
)	
MOSES E. WILCOX, M.D.)	Case No. 8002016024851
)	
Physician's and Surgeon's)	
Certificate No. G62509)	
)	
Respondent)	
_____)	

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 28, 2017.

IT IS SO ORDERED: March 29, 2017.

MEDICAL BOARD OF CALIFORNIA



Michelle Bholat, M.D., Chair
Panel B

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General
KEITH C. SHAW
Deputy Attorney General
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Attorneys for Complainant

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MOSES E. WILCOX, M.D.

1120 S. 27th Street
Nederland, TX 77627

**Physician's and Surgeon's Certificate No.
G62509**

Respondent.

Case No. 800-2016-024851

OAH No. 2016100886

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California. She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Keith C. Shaw, Deputy Attorney General.

2. Respondent Moses E. Wilcox, M.D. is represented in this proceeding by attorney Robert Hahn, Esq., whose address is: Robert Hahn, Esq., 2550 Ninth Street, Suite 101, Berkeley, CA 94710.

1 3. On or about March 21, 1988, the Board issued Physician's and Surgeon's Certificate
2 No. G62509 to Moses E. Wilcox, M.D. (Respondent). The Physician's and Surgeon's Certificate
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 800-
4 2016-024851, and will expire on November 30, 2017, unless renewed.

5 JURISDICTION

6 4. Accusation No. 800-2016-024851 was filed before the Medical Board of California
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 October 6, 2016. Respondent timely filed his Notice of Defense contesting the Accusation. A
10 copy of Accusation No. 800-2016-024851 is attached as exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 800-2016-024851. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 6. Respondent is fully aware of his legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 8. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 800-2016-024851, if proven at a hearing, constitute cause for imposing discipline upon his
28 Physician's and Surgeon's Certificate.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G62509 issued to Respondent Moses E. Wilcox, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this

1 Decision, and on an annual basis thereafter, Respondent shall submit to the Board or its designee
2 for its prior approval educational program(s) or course(s) which shall not be less than 25 hours
3 per year, for each year of probation. The educational program(s) or course(s) shall be aimed at
4 correcting any areas of deficient practice or knowledge, including surgical management of
5 prostate cancer and renal cell carcinoma, and shall be Category I certified. The educational
6 program(s) or course(s) shall be at Respondent's expense and shall be in addition to the
7 Continuing Medical Education (CME) requirements for renewal of licensure. Following the
8 completion of each course, the Board or its designee may administer an examination to test
9 Respondent's knowledge of the course. Respondent shall provide proof of attendance for 50
10 hours of CME of which 25 hours were in satisfaction of this condition.

11 2. MONITORING - PRACTICE. Within 30 calendar days of the effective date of this
12 Decision, Respondent shall submit to the Board or its designee for prior approval as a practice
13 monitor, the name and qualifications of one or more licensed physicians and surgeons whose
14 licenses are valid and in good standing, and who are preferably American Board of Medical
15 Specialties (ABMS) certified. A monitor shall have no prior or current business or personal
16 relationship with Respondent, or other relationship that could reasonably be expected to
17 compromise the ability of the monitor to render fair and unbiased reports to the Board, including
18 but not limited to any form of bartering, shall be in Respondent's field of practice, and must agree
19 to serve as Respondent's monitor. Respondent shall pay all monitoring costs.

20 The Board or its designee shall provide the approved monitor with copies of the Decision(s)
21 and First Amended Accusation(s), and a proposed monitoring plan. Within 15 calendar days of
22 receipt of the Decision(s), First Amended Accusation(s), and proposed monitoring plan, the
23 monitor shall submit a signed statement that the monitor has read the Decision(s) and First
24 Amended Accusation(s), fully understands the role of a monitor, and agrees or disagrees with the
25 proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the
26 monitor shall submit a revised monitoring plan with the signed statement for approval by the
27 Board or its designee.
28

1 Within 60 calendar days of the effective date of this Decision, and continuing throughout
2 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
3 make all records available for immediate inspection and copying on the premises by the monitor
4 at all times during business hours and shall retain the records for the entire term of probation.

5 If Respondent fails to obtain approval of a monitor within 60 calendar days of the effective
6 date of this Decision, Respondent shall receive a notification from the Board or its designee to
7 cease the practice of medicine within three (3) calendar days after being so notified. Respondent
8 shall cease the practice of medicine until a monitor is approved to provide monitoring
9 responsibility.

10 The monitor(s) shall submit a quarterly written report to the Board or its designee which
11 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
12 are within the standards of practice of medicine, and whether Respondent is practicing medicine
13 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
14 that the monitor submits the quarterly written reports to the Board or its designee within 10
15 calendar days after the end of the preceding quarter.

16 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days of
17 such resignation or unavailability, submit to the Board or its designee, for prior approval, the
18 name and qualifications of a replacement monitor who will be assuming that responsibility within
19 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
20 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
21 notification from the Board or its designee to cease the practice of medicine within three (3)
22 calendar days after being so notified Respondent shall cease the practice of medicine until a
23 replacement monitor is approved and assumes monitoring responsibility.

24 3. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
25 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
26 where: 1) Respondent merely shares office space with another physician but is not affiliated for
27 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
28 location.

1 If Respondent fails to establish a practice with another physician or secure employment in
2 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
3 Respondent shall receive a notification from the Board or its designee to cease the practice of
4 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
5 practice until an appropriate practice setting is established.

6 If, during the course of the probation, the Respondent's practice setting changes and the
7 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
8 shall notify the Board or its designee within 5 calendar days of the practice setting change. If
9 Respondent fails to establish a practice with another physician or secure employment in an
10 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
11 shall receive a notification from the Board or its designee to cease the practice of medicine within
12 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
13 appropriate practice setting is established.

14 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
15 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
16 Chief Executive Officer at every hospital where privileges or membership are extended to
17 Respondent, at any other facility where Respondent engages in the practice of medicine,
18 including all physician and locum tenens registries or other similar agencies, and to the Chief
19 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
20 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
21 calendar days.

22 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

23 5. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
24 prohibited from supervising physician assistants.

25 6. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
26 governing the practice of medicine in California and remain in full compliance with any court
27 ordered criminal probation, payments, and other orders.

28 7. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations

1 under penalty of perjury on forms provided by the Board, stating whether there has been
2 compliance with all the conditions of probation.

3 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
4 of the preceding quarter.

5 8. GENERAL PROBATION REQUIREMENTS.

6 Compliance with Probation Unit

7 Respondent shall comply with the Board's probation unit and all terms and conditions of
8 this Decision.

9 Address Changes

10 Respondent shall, at all times, keep the Board informed of Respondent's business and
11 residence addresses, email address (if available), and telephone number. Changes of such
12 addresses shall be immediately communicated in writing to the Board or its designee. Under no
13 circumstances shall a post office box serve as an address of record, except as allowed by Business
14 and Professions Code section 2021(b).

15 Place of Practice

16 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
17 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
18 facility.

19 License Renewal

20 Respondent shall maintain a current and renewed California physician's and surgeon's
21 license.

22 Travel or Residence Outside California

23 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
24 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
25 (30) calendar days.

26 In the event Respondent should leave the State of California to reside or to practice
27 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
28 departure and return.

1 9. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
2 available in person upon request for interviews either at Respondent's place of business or at the
3 probation unit office, with or without prior notice throughout the term of probation.

4 10. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
5 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
6 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
7 defined as any period of time Respondent is not practicing medicine in California as defined in
8 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
9 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
10 time spent in an intensive training program which has been approved by the Board or its designee
11 shall not be considered non-practice. Practicing medicine in another state of the United States or
12 Federal jurisdiction while on probation with the medical licensing authority of that state or
13 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
14 not be considered as a period of non-practice.

15 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
16 months, Respondent shall successfully complete a clinical training program that meets the criteria
17 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
18 Disciplinary Guidelines" prior to resuming the practice of medicine.

19 Respondent's period of non-practice while on probation shall not exceed two (2) years.

20 Periods of non-practice will not apply to the reduction of the probationary term.

21 Periods of non-practice will relieve Respondent of the responsibility to comply with the
22 probationary terms and conditions with the exception of this condition and the following terms
23 and conditions of probation: Obey All Laws; and General Probation Requirements.

24 11. COMPLETION OF PROBATION. Respondent shall comply with all financial
25 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
26 completion of probation. Upon successful completion of probation, Respondent's certificate shall
27 be fully restored.

28 12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition

1 of probation is a violation of probation. If Respondent violates probation in any respect, the
2 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
3 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
4 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
5 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
6 the matter is final.

7 13. LICENSE SURRENDER. Following the effective date of this Decision, if
8 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
9 the terms and conditions of probation, Respondent may request to surrender his license. The
10 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
11 determining whether or not to grant the request, or to take any other action deemed appropriate
12 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
13 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
14 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
15 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
16 application shall be treated as a petition for reinstatement of a revoked certificate.

17 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
18 with probation monitoring each and every year of probation, as designated by the Board, which
19 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
20 California and delivered to the Board or its designee no later than January 31 of each calendar
21 year.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert Hahn, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: January 27, 2017 Moses E. Wilcox
MOSES E. WILCOX, M.D.
Respondent

I have read and fully discussed with Respondent Moses E. Wilcox, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/27/17 Robert J. Hahn
ROBERT HAHN, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California

Dated: 1/27/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General

Keith C. Shaw
KEITH C. SHAW
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2016-024851

1 KAMALA D. HARRIS
Attorney General of California
2 JANE ZACK SIMON
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *Oct 6 2016*
BY *[Signature]* ANALYST

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-024851

13 **MOSES E. WILCOX, M.D.**

A C C U S A T I O N

14 1120 S. 27th Street
15 Nederland, TX 77627

16 Physician's Certificate
17 No. G 62509,

Respondent.

18 Complainant alleges:

PARTIES

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer
21 Affairs (Board).

22 2. On or about March 21, 1988, the Medical Board issued Physician's Certificate
23 Number G 62509 to Moses E. Wilcox, M.D. (Respondent). Said certificate will expire on
24 November 30, 2017, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 sections of the California Business and Professions Code (Code) and/or other relevant statutory
28 enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

“(a) For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or by another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by the board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.”

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by Another State)

4. On June 10, 2016, Respondent entered into an Agreed Order with the Texas Medical Board regarding Respondent's license to practice medicine in the State of Texas. The Agreed Order contains factual findings that Respondent, primarily engaged in the practice of Urology, was subject to peer review disciplinary action for failing to consult a general surgeon to consider whether more conservative treatment options were viable for one patient, and incorrectly managing another patient's lesion outside the accepted standard of care.

5. Respondent's license to practice medicine in the State of Texas is subject to the following terms and condition pursuant to the Agreed Order: 1) Respondent is restricted from

1 performing radical prostatectomies; 2) Respondent must undergo proctoring by a Board-approved
2 proctor on the first ten (10) radical nephrectomies he performs subsequent to the date of entry of
3 the Agreed Order; 3) Respondent shall enroll in and successfully complete at least eight (8) hours
4 of continuing medical education in the combined topics of surgical management of renal cell
5 carcinoma and surgical management of prostate cancer; and 4) Respondent shall pay an
6 administrative penalty in the amount of \$3000. A true and correct copy of the Agreed Order
7 issued by the Texas Medical Board is attached as Exhibit A.

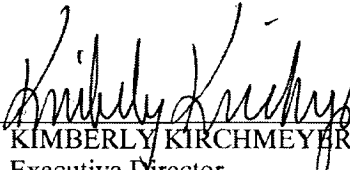
8 6. Respondent's conduct and the action of the Texas Medical Board, as set forth in
9 paragraphs 4 and 5 above, constitute cause for discipline pursuant to sections 2305 and/or 141 of
10 the Code.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board issue a decision:

- 14 1. Revoking or suspending Physician's Certificate Number G 62509, issued to Moses E.
15 Wilcox, M.D.;
- 16 2. Revoking, suspending or denying approval of Moses E. Wilcox, M.D.'s authority to
17 supervise physician assistants, pursuant to section 3527 of the Code;
- 18 3. Ordering Moses E. Wilcox, M.D., if placed on probation, to pay the Board the costs
19 of probation monitoring; and
- 20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: October 6, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
State of California
Complainant

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28

EXHIBIT A

LICENSE NO. J-7728

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

MOSES EDWARD WILCOX, SR., M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 10 day of June, 2016, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Moses Edward Wilcox, Sr., M.D. (Respondent).

On November 5, 2015, Respondent appeared in person, with counsel Mary Kathleen Evans, at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board's representatives were Allan Shulkin, M.D., a member of the Board, and Phillip Worley, a member of a District Review Committee (Panel). Trina Richardson represented Board staff.

BOARD CHARGES

Board staff charged that Respondent was subject to peer review action. Board staff also charged that Respondent did not consult a general surgeon to consider conservative treatment options, and that Respondent incorrectly managed another patient's lesion.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

Upon the recommendation of the Panel and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. J-7728. Respondent was originally issued this license to practice medicine in Texas on March 4, 1995. Respondent is also licensed to practice medicine in Louisiana, California, and Georgia.
- c. Respondent is primarily engaged in the practice of Urology. Respondent is board certified by the American Board of Urology, a member of the American Board of Medical Specialties.
- d. Respondent is 67 years of age.

2. Specific Panel Findings:

- a. Respondent was subject to peer review disciplinary action that was appropriate and reasonably supported by the evidence. Respondent's privileges to perform radical prostatectomies were suspended and he was required to receive proctoring of at least five radical nephrectomy procedures. Respondent initially agreed to the proctoring and then did not renew his privileges at the facility.
- b. Respondent failed to involve an intraoperative consultation by a general surgeon to assess a patient to determine whether the more conservative splenorrhaphy would be a viable alternative to splenectomy.
- c. Respondent failed to perform a radical nephrectomy for another patient's T1 lesion, when the standard of care calls for a partial nephrectomy.

3. Mitigating Factor:

In determining the appropriate recommendation in this matter, the Panel considered the range of sanctions available and found the following factors mitigating:

- a. Respondent has no prior Board history.
- b. The violations that were found related to two patients who presented with complex medical issues.
- c. Respondent has rehabilitative potential.
- d. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rules: 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(C), failure to use proper diligence in one's professional practice; and 190.8(1)(D), failure to safeguard against potential complications.
3. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on being removed, suspended, or subject to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, as further defined by Board Rule 190.8(4), disciplinary action by peer groups.
4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.
5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent's Texas license is hereby RESTRICTED from performing radical prostatectomies. Respondent may perform such procedures as a participant in a fellowship program approved in advance by the Board. Respondent shall remain restricted from the performance of prostatectomies outside of a fellowship program until Respondent appears before the Board at an ISC and provides for the ISC panel review documentation of his performance during the course of the fellowship. At the time of the ISC the ISC panel may recommend additional proctoring.

2. Respondent must undergo proctoring by a Board-approved proctor on the first 10 radical nephrectomies he performs after the date of the entry of this order. Prior to performing these radical nephrectomies, Respondent shall obtain Board approval from the Executive Director of the Board for a board certified urologist to serve as Respondent's proctor. The proctor shall report any significant standard of care violations identified by the proctor to the Compliance Department of the Board within 10 days of each procedure. Further, within 30 days after the completion of the proctoring of 10 radical nephrectomies performed by Respondent, the proctor shall provide a final written report to the Compliance Department of the Board. The report(s) shall include, at a minimum, the following information: length of operating times, blood loss; postoperative complications and readmission information; whether the appropriate procedures were performed; and any violations or problems that may have been observed. Any costs incurred by the proctor shall be paid by Respondent. Respondent shall not charge the compensation and costs paid to the proctor to any patients.

If the proctor reports any standard of care violations or other practice problems, Respondent shall be provided a minimum of 10 days-notice for a required appearance before the Board or its representatives for consideration of further action.

If the proctor does not report any standard of care violations or other practice problems, this term will be satisfied and the restriction will be lifted.

3. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least eight hours of continuing medical education (CME) in the following topics: at least four hours in the topic of surgical management of renal cell carcinoma; and at least four hours in the topic of surgical management of prostate cancer. All CME must be approved for Category I credits by the American Medical Association and approved in writing in advance by the Compliance Division of the Board. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the CME. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

4. Respondent shall pay an administrative penalty in the amount of \$3000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

5. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance

Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

6. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

7. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

8. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days' notice, as provided in 22 Texas Administrative Code §187.44(4).

9. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

10. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

11. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of

the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

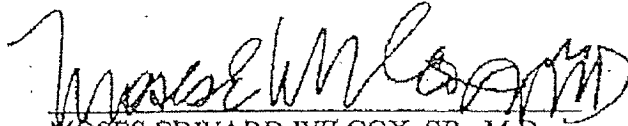
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

(SIGNATURE PAGES FOLLOW)

I, MOSES EDWARD WILCOX, SR., M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: MARCH 10, 2016.



MOSES EDWARD WILCOX, SR., M.D.

Respondent

STATE OF TEXAS

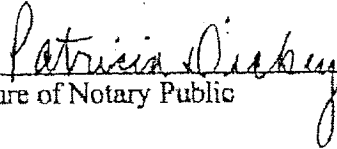
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COUNTY OF HARRIS

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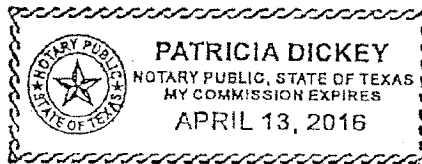
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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 10 day of MARCH, 2016.




Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 10
day of June, 2016.



Michael Arambula, M.D., Pharm.D., President
Texas Medical Board

STATE OF TEXAS
COUNTY OF TRAVIS

I, Christine Rodriguez certify that I am an official
assistant custodian of records for the Texas Medical Board
and that this is a true and correct Copy of the original, as it
appears on the file in this office.

Witness my official hand and seal of the BOARD.

This 17th Day of August, 20 16

Christine Rodriguez
Assistant Custodian of Records